

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

JOHN ANTHONY CASTRO,

Plaintiff,

v.

SECRETARY OF STATE ANDREW
WARNER and DONALD JOHN TRUMP,

Defendants.

WEST VIRGINIA REPUBLICAN PARTY
and STATE OF WEST VIRGINIA,

Intervenors.

Civil Action No. 2:23-cv-00598

Honorable Irene C. Berger

SECRETARY OF STATE’S MOTION TO DISMISS

Comes now, Defendant, Mac Warner, in his official capacity as Secretary of State of the State of West Virginia, and, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), moves the Court to dismiss with prejudice the Plaintiff’s Verified Complaint for Declaratory and Injunctive Relief (ECF No. 1). The Court should grant this motion for the reasons set forth in the Secretary of State’s supporting memorandum of law, filed contemporaneously herewith and incorporated by reference.

Respectfully submitted,

**MAC WARNER, in his official capacity as
SECRETARY OF STATE OF THE STATE OF
WEST VIRGINIA**

/s/ Curtis R. A. Capehart

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